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| <b>INFORMATION<br/>DISCLOSURE<br/>STATEMENT</b> | Patent #       | 6,936,071       |
|   | Serial #       | 10/018,402      |
|   | Confirmation # | 1151            |
|   | Issue Date     | August 30, 2005 |
|   | First Inventor | MARNAY          |
|   | Docket #       | P06794US00/MP   |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

This IDS is submitted pursuant to 37 CFR. §1.97-1.98 and includes the following:

- ☒ A listing of the references on PTO-1449.
- ☒ A copy of all **non-US** references which are listed on the PTO-1449 (US refs not required).
- ☐ A copy of a corresponding foreign **Search Report** which explains the relevance of the references noted therein.
- ☒ A separate **explanation of relevance**.

Please note the following particulars concerning the filing of this IDS:

- ☐ 1. This IDS is filed at whichever is the latest of:
    - within three months of the filing date of a NATIONAL APPLICATION other than a CPA, or
    - within three months of the date of entry into the NATIONAL STAGE as set forth in 37 CFR. §1.491 in an international application, or
    - before the mailing date of a first Office Action on the merits or after filing of an RCE (*but if a first Office Action is mailed but not yet received and the date on the face of the attached foreign communication makes it evident that this IDS is submitted within three months from the mailing of the search report, then applicant is entitled to have this IDS considered under 2.B. below and such boxes should be considered as having been checked*).
  - ☐ 2. This IDS is filed **after a first Office Action**, but before a Final Action, Allowance, or any other action which closes prosecution, **and**:
    - ☐ A. Is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).
- or
- ☐ B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
  - ☐ C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.
  - ☐ D. An appropriate Statement is attached.

☐ 3. This IDS is filed **after** a final action or allowance, but on/before payment of the issue fee, and:

☐ A. is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).

and

☐ B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.

☐ D. An appropriate Statement is attached.

☒ 4. This IDS does not comply with 37 CFR 1.97-1.98, and is being filed **for placement in the file** pursuant to 37 CFR. §1.97(i). .

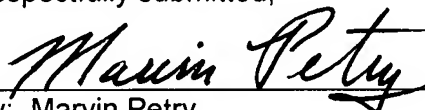
☒ 5. It will also be appreciated that:

- a. It is believed that this IDS complies fully with 37 CFR 1.56 and 1.97-98 and with MPEP § 609; but if for some reason it does not and will not be entered, the examiner is requested to telephone the undersigned so that any deficiency can be timely remedied.
- b. Some of the documents may have markings thereon, but no significance should be attached to those markings.
- c. These documents are not necessarily analogous art.
- d. Where an English language translation of an abstract is provided from a public source, applicant cannot vouch for the accuracy of that translation.

☒ 6. If no payment is enclosed and a fee is due in connection with this communication or if the payment enclosed is insufficient, the Director is authorized to charge any fee or additional fee due with this communication to Deposit Account No. 12-0555.

Respectfully submitted,

Date: November 26, 2007

  
By: Marvin Petry

Registration No.: 22752

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|                                     |                |                 |
|-------------------------------------|----------------|-----------------|
| <b>EXPLANATION OF<br/>RELEVANCE</b> | Patent #       | 6,936,071       |
|                                     | Serial #       | 10/018,402      |
|                                     | Confirmation # | 1151            |
|                                     | Issue Date     | August 30, 2005 |
|                                     | First Inventor | MARNAY          |
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Alexandria, VA 22313-1450

S I R :

This submission is being made in accordance with MPEP § 2001.06(c).

The patent owner has initiated an infringement action charging defendant Medtronic Sofamor Danek, Inc. and Medtronic Sofamor Danek USA, Inc. of infringing issued U.S. Patent No. 6,936,071. There are two continuation applications, namely U.S. Application Serial No. 10/998,951 and 11/776,182.

The patentee/patent owner is now filing herein Defendants' Answer and Counterclaim and Defendants' Third Supplemental Answers and Objections to Plaintiff's First Set of Interrogatories Nos. 1-6. The latter document incorporates the text of the original, first and second responses to such interrogatories.

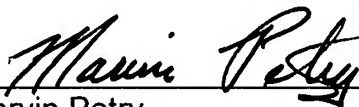
It will be noted that the plaintiff and patent owner, Spine Solutions, Inc., denies all of defendants' contentions and allegations which would adversely affect the validity of the issued patent or the claims in the two continuation applications; and the plaintiff patent owner intends to vigorously oppose these contentions in the course of the litigation.

These papers filed by defendant in the lawsuit also list various prior art references not previously made of record in the issued patent or the continuation applications. These are listed on the attached form PTO/SB/08a+b.

Defendants' purported relevance of such documents are set forth in the claim tables attached to the enclosed response to the interrogatories.

Respectfully submitted,

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November 26, 2007